

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 22-3648

Union Pacific Railroad Co.

Petitioner

v.

Surface Transportation Board and United States of America

Respondents

American Chemistry Council, et al.

Intervenors

-----  
Washington Legal Foundation

Amicus on Behalf of Petitioner

No: 23-1325

Association of American Railroads

Petitioner

v.

Surface Transportation Board and United States of America

Respondents

-----  
Washington Legal Foundation

Amicus on Behalf of Petitioner

---

Petition for Review of an Order of the Surface Transportation Board  
(EP 755)  
(EP 665)  
(EP 755)

---

## **ORDER**

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied. Judge Loken, Judge Kelly, and Judge Erickson would grant the petition for rehearing en banc.

December 10, 2024

Order Entered at the Direction of the Court:  
Acting Clerk, U.S. Court of Appeals, Eighth Circuit.

---

/s/ Maureen W. Gornik